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CALIFORNIA-NEVADA TAHOE BASIN FIRE COMMISSION



Nevada State Capitol
101 North Carson Street
Carson City, NV 89701

CA-NEV Tahoe Basin Fire Commission Community Sub-Committee Meeting Granlibakken

Minutes
October 11, 2007

1. Call to order and roll call

Committee Chair Ruben Grijalva called meeting to order at 9:15 am.

Members present: Ruben Grijalva, Bob Davidson, Bud Hicks, John Koster, Jeff Michael, John Pickett, Cindy Tuck, James Wright.

Ex-officio members present: Jane Schmidt, Ed Smith

(Action): Review and approval of minutes Motion to accept given by Jeff Michael, Second by John Koster. Vote taken, all approved.

Review of agenda by committee chair.

(Action): Vote on documents made available to the committee members. List of documents is attached for review. Motion to accept documents made by Bud Hicks, second by Bob Davidson. Vote taken, all approved.

2. Dialogue with invited subject matter experts

Chairman Grijalva started meeting with first discussion items: How to get Wildland Urban Interact (WUI) fuel treatments next to communities in the manner that is prioritized and funded. Community Wildfire Protection Plans (CWPP's), defensible space

and water quality issues, as they relate to each other.

Mr. Pickett discussed how North Lake Tahoe Fire Protection District has been treated, funded, and prioritized, and is now on maintenance cycles. Many other fire districts are not that far along. How are we, Fire Safe Council, local governments, private property, general improvement districts, home owner associations; how are we going to integrate our treatments, obtain cost savings, implement such those treatments are effective and meet the standards of fire districts who signed off on the Wildfire Protection Plans? How do we get this done in a collaborative way?

Mr. Grijalva introduces invited subject matter experts:

Andrew List-Nevada Fire Safe Council

Joe Millar-United States Forest Service

John Copeland-Nevada Division of Forestry, Carson City, Nevada

Duane Whitelaw-Fire Chief, North Tahoe Fire Protection District

Lauri Kemper, California Regional Water Quality Control Board, Lahontan Region

Steve Chilton, Tahoe Regional Planning Agency

Bill Snyder, Deputy Director, Resource Management, California Department of Forestry and Fire Protection (CAL FIRE)

Del Walters, Assistant Region Chief, Northern Region, CAL FIRE

Dave Hillman, Chief, Law Enforcement and Fire Prevention, CAL FIRE

Chris Waters

Eli Ilano, Deputy Forest Supervisor, US Forest Service

Norv Szczurek

Mr. Hicks asked; What impediments are there, agency or funding wise, to making the Tahoe Basin fire safe and what are the recommendations?

Mr. Davidson would like to know how priorities are set. What is the cost effectiveness of treatments? Requests explanation of the timeliness and reasonableness of permits needed to obtain effective treatment.

Mr. Koster asked for the logic applied to the combustible space buffer zone or defensible space buffer zone. Is it based on science or emotion? Is there a low burn substitute for pine needs that can also prevent erosion and keep Lake Tahoe clear?

Mr. Michael asked for a definition from USFS of WUI and what are its plans to treat it. What treatment areas failed in the Angora Fire and what succeeded?

Ms. Tuck poses question to Ms. Kemper regarding water quality

of Lake Tahoe. What process changes can be made, what are the “rubs” between different agencies?

Mr. Smith feels he and Jane Schmidt are “geared” to respond to issues of water quality, defensible space, wildfire threat reduction and homeowner status.

Mr. Grijalva summarized the discussion and encourages open dialogue between the experts and the committee:

How are we going to get WUI fuel treatments next to the communities prioritized and funded?

Discussion on CWPP's, defensible space, water quality issues as they relate to each other. How are we going to do it? Impediments to doing it?

How are the priorities set? What is the cost effectiveness? What about the timeliness and reasonableness of permits?

Where did the 5 foot buffer zone come from? What is the logic to defensible space or science behind it?

Are there regulatory restrictions or are the regulations vague and not clearly communicated to the public? Are there regulatory restrictions that are prohibiting fire safe communities?

Are pine needles a problem and are there substitutes to for them?

Are there differences between Forest Service and local governments on buffer zones and how can we reach a commonality on these?

Treatment failures that occurred in the Angora Fire. Why did they fail, what were the successes? What can be done differently in the future?

What is most important to protecting water quality? What are some of the rubs that exist between defensible space, fire protection, fire prevention, and water quality?

Mr. Grijalva opens meeting to dialogue so that the committee can identify findings and recommendations that will be made based on what is heard today. Invited speakers present more documents for the committee to review and may be referred to during the discussion. Documents are logged in and passed out.

Mr. Ilano addresses the issue of the high cost of fuel treatments in the Tahoe basin. He refers to a report sent to committee

members via a link to the Forest Service website showing a comparison of the costs of treatment methods both in the basin and surrounding communities with average cost per acre. Progress is being made in reducing costs. Forest Service is using a Technical Advisory Committee that includes folks from Lahontan, TRPA, and other parties having land surrounding proposed project areas. Utilizes agency partners having input in project design before going forward with NEPA analysis. Mr. Grijalva asked if has been found to be cost effective. Are there obstacles that drive the costs up, that make you not want to do fuel treatments?

Mr. Ilano says there is nothing that makes them not want to do fuel treatments. Mr. Grijalva asks if they can afford to do fuel treatments. Mr. Ilano states they have funding available to do fuel treatments for this year and next year. They have to stay under a spending cap using averaging. Some acres cost more to treat than others. Some things that make costs in the basin higher are regulatory process, doing things in a collaborative manner takes more time, and availability of contractors. Mr. Davidson asks approximately how much higher than comparable places around the country. Mr. Ilano responds approximately twice as much. Uses example of more partners that Forest Service works with, projects work with more in a collaborative manner. Bids com in higher than in surrounding areas. Additional cost of transporting things into and out of the basin. Historic hesitancy to come in, due to fear of regulatory environment. Mr. Davidson asked if we should hear from contractors and Mr. Ilano agrees. There is also the cost of meeting regulatory requirements is higher than surrounding areas. Increased time in completing NEPA analysis. Permitting, interaction with TRPA adds time as well as working with water boards and air boards. There is less attention in other forests by agencies.

Mr. Davidson asked if agencies work in serial or in parallel with each other. Mr. Ilano responds in the past it was more step by step. They are moving toward getting all of it done at the same time in the project design phase. Mr. Davidson inquired about the possibility of a "one stop shop" in permit process for fuel reduction. Without having to go through all of the steps. Mr. Ilano feels it could be looked into.

Mr. Koster would like to know how you prioritize spending. Priorities of Forest Service and with other agencies should start with defensible space around the homes and communities rather than miles from the urban center.

Mr. Ilano replies the defense zone is ¼ mile from urban and threat zone. They prioritize using the Stewardship Fire

Assessment. Screens using WUI, managing 3500 urban lots, it includes the defense zone which extends ¼ mile from urban area and threat zones which are recreation areas, developed recreation sites (Camp Richardson, ski areas, etc.). High priorities are as federal government defines WUI.

Mr. Koster asked if dollars are allocated to areas far, far from the WUI vs. in the areas which homeowners would consider to be more of a priority.

Mr. Ilano states the priorities of the first five years of the plan priority is in the WUI as the federal government defines it. Other agencies don't consider some of the areas part of the WUI.

Mr. Waters refers to limited resources, money, manpower, operational resources. The Pre-Fire Management process boils down to statement of purpose and three objectives: protection of life, protection of property, and protection of watershed values in that order. Empower the community, have a strategic plan to help guide activities.

Mr. Chilton discussed prioritization and Fuel Reduction and Forest Restoration Plan (CFSC-009). Projects put forth by fire districts have been prioritized and funding is pending. He requests the commission implore those parties to get funding to the Fire Safe Council to get the projects done. TRPA is working on an MOU with the Forest Service to delegate to the Forest Service all permitting on their projects that have anything to do with fuel reduction.

Mr. Michael suggests treating the WUI, ¼ mile out from subdivision and looked at it like defensible space, no permit required. Wouldn't that save money? Work could get done?

Mr. Ilano feels it would. They would still have to comply with the National Environmental Policy Act (NEPA). Could speed up the projects and decrease the costs.

Mr. Michael asked for clarification of funding and spending from Forest Service and if all funds have been spent.

Mr. Ilano explained funding and projects are in difference phases.

Mr. Pickett poses the question to Mr. Ilano as to why in the area of the Angora File there were piles sitting next to subdivisions on perfectly flat ground and had been there for three years. Why wasn't the area treated? Also, why are we using a single cut length contractor in the basin? We are comparing cost per acre to other areas but not using the same systems. Using the cut length systems is the slowest harvesting system and least

efficient. Preferred it hand treatment adjacent to communities which is the most expensive, wouldn't you agree?

Mr. Ilano responds he doesn't know what technical comparisons are but from his understanding that is what he heard.

Mr. Pickett asks why we aren't using more efficient, high capability equipment next to our communities to reduce our costs?

Mr. Ilano regarding the treatments in the area of the Angora Fire. Some projects were planned and completed quite a while ago. Some are second entry treatments and pile burning from previous years. Can't speak to why the projects were designed the way they were years ago, those mechanisms that you are talking about are seriously being considered in our project design for current and future projects.

Mr. Pickett states there is currently a single contractor being using mechanical equipment in the basin. Why are contractors scared to work in the basin? According to Steve, SPI who is doing work in the Angora Area, contractors are scared to work in the basin. Mr. Pickett's feels that it is driving costs. Would like to know why they are scared.

Mr. Ilano feels contractors are concerned over regulatory requirements and possible fines. Concern over working close to and within urban areas. Their perception could be based on stories or real experience.

Mr. Pickett recommends Steve, Timber Manager from Sierra Pacific Industries be invited to speak in from of the commission. How are hand thinned acres accounted for?

Mr. Ilano states that acres are considered completed once material is burned, removed from site, chipped, or spread.

Mr. Pickett requested clarification on cost of mechanical treatment vs. hand thinning. Forest Service report shows mechanical treatment is more expensive as compared to hand thinning. Is this the case?

Mr. Ilano cost depends on treatment area. The cost comparison is a range of what costs are. Low end of mechanical is less than some hand thinning.

10:40 am Break

10:50 am Reconvene

Ms. Kemper discussed the need for a better cost comparison.

She feels San Bernardino would be a good comparison. She supports Mr. Pickett's view of looking at total cost and different types of equipment. She recommends that we look at real costs involved. Some NEPA documents have ended up in court delaying projects.

Mr. Hillman recommends caution in comparing costs with San Bernardino. Significant amount of regulatory requirements were suspended. Complex issues involved in the basin with multiple fire jurisdictions, multiple regulatory aspects, and state jurisdictions. It is easier on Nevada side to get things done. Cause of fires, fires will happen you can't prevent, mitigate damage if they do. Look at it as a total project. Disregarding state boundaries, fire jurisdictions, all local regulatory responsibilities, look it as a whole.

Mr. List to explain how the Nevada Fire Safe Council prioritizes their projects and how they receive funding and how they secure additional funding. In 2002/2003 the Nevada Fire Safe Council received \$1.3 million grant from Bureau of Land Management to put together 19 community wildfire protection plans. Priorities are listed in the fire plans. The council works almost exclusively on private property. Where ever private property is identified for treatment, locate property owner get them within the chapter. Find grants to complete what is in the documents. Priorities are the properties near communities. Make fires slower and cooler. Work within and adjacent to communities on private properties. Try to bring in other partners. Funding from a lot of sources and try to leverage it to go further. Funding comes from state of Nevada, Nevada Division of Forestry, Bureau of Land Management, insurance industry, private foundations. Most grants are one to one or two to one match. Community needs to come to the table and assist with funding. Four paid staff and 4,000 volunteers. Don't have NEPA to go through but do have other regulatory process.

Mr. Koster recommends universal approach with everyone working together in cooperation without multiple bureaucratic hurdles. Forest Service should prioritize and not focus on the "hinterland."

Mr. List Fire Safe Council is almost at "one stop shop." Private property owners can go to fire protection who can inter-issue a tree removal permit at the same visit. The Fire Safe Council has helped facilitate this and will also help them get defensible space evaluation and help hiring a contractor. Difficulty is trying to get on the same page at the same time with the Forest Service in regards to the one-quarter to one-half mile around the community.

Mr. Grijalva reviews the questions originally put before the committee and speakers.

Mr. Davidson asked if he could put questions to the invited speakers. Committee approves.

Mr. Davidson has a question for Lahontan: Lahontan had four applications for four stream zone permits. He requests the date of original applications, date permits finally were issued, copy of permit and all conditions pertinent there to. Then we can better judge the situation. USFS has urban lots that have not been fully treated. Why haven't they treated those lots even though there have been requests by adjacent property owners to treat them. When can we expect all those urban lots be treated?

Mr. Ilano states the forest service has 3500 urban lots around basin. Majority are in south lake area. Actively treating urban lots almost everyday. Urban lots have unique challenges making them more time consuming and more costly. Forest Service has 350 acres or urban lots to be treated between now and end of year. Spending over \$1 million every year. Forest Service has 10 year plan for initial treatment and reentry treatment. Forest Service has a program to assess lot and if they agree with adjacent property owner either increase priority or issue permit to treat lot.

Mr. Davidson feels the Forest Service should set the standard and precedent for homeowners to clean up of their lots.

Mr. Koster directed to Mr. Hillman: Recognizing that fires will happen in the basin, who is in the best position to present to this committee an optimal fire safe plan to form defensible space in the various zones that we have in the urban areas including a home buffer zone, community buffer zone and other high risk areas that could funnel wildfires into these urban areas?

Mr. Hillman response: To create a fire prevention plan you need to know what causes fires, where do they occur historically. Involve all fire response jurisdictions, all response jurisdictions in the basin to identify the likely causes of fire. Look at road ways, highways, power line grids. Also identify areas of human activity. Then look at how to treat those areas. Prevent the fire, curb human activity, ask power companies to trim trees. Stop activity that can cause fire. Or do moderate fuel modification.

Mr. Koster asked who is in the best position to recommend alternative ground materials?

Mr. Smith-Has a background in vegetation management and develops education material for homeowners on wildfire threat

reduction. In that capacity, has worked very closely since 1988 with the Lake Tahoe regional fire chiefs. Developed Living With Fire recommendations (Handout CFSC-008) working with state, local, and federal fire fighting agencies. Approximately 30,000 copies have been distributed. The recommendations were forwarded to TRPA for review. TRPA forwarded comments which were included with document. Use of pine needles was addressed in the hand out. In 1988 recommendation was for a 4 to 5 needle layer in the area 5 'to 30 ' around home. In the late 1990's, water quality interests felt 4 to 5 needle depth inadequate and wanted to increase the amount to 1" to 2" depth.

Mr. Koster asked if there was any science to the decision.

Mr. Smith replied no.

Mr. Koster asked if any alternatives were suggested.

Mr. Smith replied not at that time. In May, we revisited Living With Fire recommendations prompted by 4291, the new California Public Resource Code. California would be adopting a code not consistent with the publication. Important to have a consistent message. Put a halt on production of new recommendations until commission has come forth with recommendations.

Mr. Koster asked again who should decide what goes inside and is 30 feet arbitrary or did fire protection specialists come up with that and what goes in once we decide what the boundary should be?

Mr. Smith: Thirty feet is a common recommendation at fire districts and fire codes and is law in 4291.

Mr. Grijalva asks Mr. Smith to close and he defers to Ms. Schmidt.

Ms. Schmidt in the present they don't have any prescription from the 5 to 30 feet to inform land owners because current recommendations are defunct in part in some areas. Goal is to get something in the short term immediately with water quality objectives in the mix. She is willing to hand over pine needles as a recommendation. How to get to longer term answers for some of the questions. Meetings are scheduled in the near future involving fire professionals, water quality, conservation. Need science to back up future recommendations.

Mr. Smith answers Mr. Koster's questions regarding ground cover by saying it will have to be TRPA, fire chiefs of the fire protection districts and fire departments in the basin.

Mr. Pickett refers to hand out CFSC-009 with list of CWPP's and summary of projects by priority and acreages for each jurisdiction. How is funding going to work? Recommend it be looked at in more depth on how it is prioritized and funded? Regarding SEZ's, how many SEZ's overlie treatment priorities in CWPP's? How long does it take? How can we expedite process?

Mr. Michael would it help if we took the permitting process and eliminate it for the forest service, for all of us to get the work done? My question for Lahontan is how much time does it take to get permits in the WUI? How can permitting be expedited?

Ms. Kemper believes process is working better and can be improved with early consultation and waiver of discharge requirements. Must fit within Lahontan Basin Plan and exceptions. There is a process to grant exemptions for public safety or environmental concerns.

Ms. Tuck directed a question to Ms. Kemper. The Board has discretion as to whether there might be a land disturbance and can act quickly if there is a problem. Is a change needed?

Ms. Kemper refers to Forest Management Activities (Handout CFSC-001) regarding vehicles restricted in a stream zone. Ms. Tuck made a general comment regarding priorities of the committee, with protecting life and property being important, but also the recommendation to consider the protection of Lake Tahoe.

Ms. Tuck made a specific comment asking about the options such as rock, grass, mulch, as an alternative to pine needles near the home.

3. Findings and Recommendations (Discussion)

Mr. Grijalva brought the discussion back to the sub committee with request for thoughts or recommendations to be put forth.

Mr. Pickett-Right now in the Tahoe Basin, people who have bare ground within 30 feet of a structure are under threat of penalty of a \$5000 fine from some of the building inspectors. First 30 feet belong to fire. First life, property, then the environment. It's up to the water quality people to come up with an alternative. SEZ's in CWPP belong to fire. Three year monitoring. Grants don't have three year cycle. Need to come up with (joint implementation) Lahontan, TRPA, Nevada Forestry, CAL FIRE, fire districts, Forest Service.

Mr. Smith suggests one stop shop for fuels reduction permits and monitor of fuel reduction programs. Fully fund Fire Safe Council Budgets.

Mr. Koster discusses need to keep life, property, and environment addressed with science and common sense. Keep Lake Tahoe clean. Need to avoid arbitrary emotionally based rules. How do we accelerate the solution process? What should buffer zones look like, and how do we prevent erosion from ruining the lake?

Mr. Grijalva notices no recognition of regulatory impediments and cost effectiveness. Are we going to have a finding that there are regulatory impediments or are there more cost effective ways?

Mr. Koster asked if there is a way to accelerate the one stop shop approach that many people have brought up today so there is not an inhibition. Move ahead with best practices, quick with effecting the environment.

Mr. Walters has picked up on the positive things that are occurring and focus on them.

Mr. Smith suggests getting the homeowner to do their part.

Mr. Grijalva asked the committee and the speakers to draft language for recommendations to be brought forward after lunch. Committee breaks for lunch at 1200

Reconvene at 1315

4. Findings and Recommendations (action)

Mr. Grijalva called the meeting to order at 1:15 pm. Motion made by Mr. Hicks to accept documents presented after the start of the meeting, second by Mr. Davidson.

Mr. Grijalva requested that committee members be provided with copies of documents and if they receive any to share them with all committee members. Copies of all documents accepted by the committee will be posted on the website.

Mr. Smith asked if he and Ms. Schmidt are voting members of the committee.

Mr. Grijalva was told the committee can decide. Ex-officio members can't vote at the whole commission but if the committee decides that the ex-officio members and the three members that were added, it is a committee decision and can give them voting authority or not.

Mr. Davidson asks that the members that the committee appointed remain ex-officio and not be allowed to vote. Just opinion.

Decision is delayed pending clarification by council.

Mr. Smith and Ms. Schmidt state they would prefer to be non voting members.

Mr. Grijalva continues the discussion on findings and recommendations. The committee can take action to make recommendations regarding what has been discussed with the experts today and to make recommendations either on findings or recommendations. Recommendations are from the committee to the commission to either approve our findings or recommendations.

(Action):

Motion by Mr. Koster

Recommend to establish that there are priorities in the Tahoe Basin regardless of state lines, county lines, etc; life, property, and environment. **Second by Mr. Michael. All in favor.**

(Action):

Motion by Mr. Davidson recommends amendment to read:

This committee request the full commission adopt and recommend the governors adopt the priorities of life, property, and the environment, in that order, with respect to fire safety, fire prevention, and such other matters within the jurisdiction of the commission. **Second by Mr. Michael. No discussion. All in favor.**

(Action):

Motion by Mr. Koster

Fire protection experts establish and implement a basin wide fire protection standard and that standard embraces Motion #1 and is free from regulatory penalty once approved and implemented.

Second by Mr. Davidson.

Discussion by Mr. Jim Wright requested definition of standard.

Mr. Koster would like to recommend that the California Code 4291 be used as an example of standard that could be universally applied to the entire basin if the fire experts all agree that that standard should be applicable across state lines and throughout the basin.

Mr. Davidson asks if Mr. Koster refers to defensible space when discussing fire protection standard.

Mr. Koster answered yes, but wouldn't curtail it if it went beyond that.

Mr. Michael agrees we should include reference to fire chiefs.

Mr. Koster would be willing to amend to fire chiefs and related experts in the Tahoe basin. **Amend second by Mr. Michael.** All in favor of amendment. **Main motion as amended, vote is all in favor.**

Amended motion: That fire protection experts including fire chiefs and any related experts in the Tahoe Basin establish and implement a basin wide fire protection standard of defensible space similar to 4291 standard once adopted be free from regulatory penalty once established.

(Action):

Motion by Mr. Koster

That environmental experts recommend appropriate erosion resistant ground cover that meets the fire protection experts standard for fuel removal and/or is fire resistant cover that they would approve. **Second by Mr. Hicks.**

Discussion from Mr. Grijalva regarding concern over specific legal terms when using fire resistant. Recommend ignition resistant.

Motion to amend fire resistant to ignition resistant by Mr. Grijalva, second by Mr. Koster.

Discuss amendment by Mr. Davidson do we need motion at this time or if the motion can request the fire chiefs or words used in previous motion communication and cooperate with environmental regulatory agencies within the basin. **Amendment vote-all in favor.**

Discussion regarding motion and the role of pine needles and the need to move combustible materials away from structures. **Vote on original motion as amended. All in favor.**

Amended motion: That environmental experts recommend appropriate ignition resistant ground cover that meets the fire protection experts standard for fuel removal and/or is fire ignition resistant cover that they would approve.

(Action):

Motion by Mr. Koster

Prioritize the United States Forest Service combustible fuel removal efforts to complement defensible space efforts initiated by home owners and fire protection agencies in the Tahoe Basin. **Second by Mr. Wright**

Discussion by Mr. Koster: The rationale is a concentric approach for defensible space and prioritizes funding. Meant to

complement the CWPP's would like to include as amendment.

Motion to amend by Mr. Michael. Second by Mr. Koster. All opposed on amendment. Motion failed.

Mr. Wright suggests substitute motion to:

It is imperative that a basin wide collaborative effort in setting priorities with strategic fuel reduction, projects, such as CWPP's ensuring the projects are complementary to each other and projects are based upon threat and values at risk. Discussion regarding Forest Service not mentioned in motion. **Second by Mr. Davidson.**

Mr. Davidson recommends including Forest Service.

Mr. Koster trying to do building blocks on defensible space and felt next step was the Forest Service. What other agencies need to be included in motion.

Mr. Wright recommend add "all agencies."

Mr. Koster asks for clarification of roles of agencies. Feels Forest Service has specific roll to play.

Amended substitute motion reads:

It is imperative that all agencies develop a basin wide collaborative effort in setting priorities with strategic fuel reduction projects making sure the projects are complementary to each other and the projects are based upon threat and values at risk. **Second by Mr. Davidson. No discussion. All approved.**

(Action):

Motion by Mr. Koster

A one stop regulatory visit by homeowners to facilitate such things as tree removal and what constitutes combustible materials, etc. **Motion dropped, to be revisited later.**

(Action):

Motion by Mr. Michael

Recommend all requirements for permits in the WUI be eliminated and that the fuels treatments purposed are performed with life, safety, property, and environment as the basis in findings for these said treatments. **Second by Mr. Koster.**

Discussion with concern for stream environment within WUI and urban areas. Would this eliminate the permits and the requirements that are impediments to the fire protection people trying to remove dead and dying material in the stream environments?

Mr. Michael stated yes if it is in the WUI. Done without impact to the environment.

Mr. Grijalva speaks against the motion as it needs to be refined more. Requests committee revisit later after more discussion.

Mr. Koster recommends potential amendment to include a one-quarter mile WUI approach without regulatory restrictions. Use best practice as standard.

Mr. Davidson concerned about cost involved in standard.

Mr. Grijalva asked what this would cost. Before sending recommendations to the governors, we need to know the cost and can it be done.

Mr. Michael responds that environment is included in concern. There are different levels of SEZ's, sometimes it is a flooded area.

Mr. Smith back to the original motion did we leave it that it was tied to 4291? California Board of Forestry guidelines to implement 4291 require homeowners to comply with environmental protection laws and obtain permits. Are our motions in conflict?

Mr. Davidson states motion had read as defensible space per 4291.

Mr. Smith asked Mr. Michaels if motion is to exempt the need for permits, correct?

Mr. Michaels answered yes.

Mr. Smith, if we are going to implement 4291 and then exempt permits, motion in conflict.

Ms. Tuck asked what permits are captured?

Mr. Michael states whatever permits would be required to work in that subdivision.

Roll call vote

Ruben Grijalva- No

Bob Davidson-No

Bud Hicks-Aye

Jeff Michael-Aye

Jeff Koster-Aye

Cindy Tuck-No

James Wright-Aye

Motion carries

Mr. Grijalva verified that ex-officio members cannot vote.

(Action):

Motion by Mr. Grijalva

Finding: Committee recommends that commission finds that overlapping federal, state, and local regulatory bodies have led to regulatory uncertainty in the Lake Tahoe Basin. The result has been inadequate defensible space posing a fire risk on many public and private lands. **Second by Mr. Davidson.** No discussion. **All approved**

(Action):

Motion by Mr. Grijalva

Finding: Committee recommends that the commission finds that overlapping federal, state, and local regulations has resulted in increased costs and delays in implementation of fuel treatments in the Lake Tahoe Basin. **Second by Mr. Michael.** No discussion. **All approved.**

5. Dialogue with invited subject matter experts (Discussion)

“Balancing of Acres” between the California Department of Forestry and Fire Protection (CAL FIRE) and the United States Forest Service (USFS) and its effectiveness in the Lake Tahoe Basin. Discussion regarding fire protection and response issues in the Lake Tahoe Basin.

Mr. Wright recommended retired Chief Bill Tie from CAL FIRE to come before the committee with an historical perspective as one of the principal authors.

Mr. Tie addresses the committee regarding history of Balancing of Acres in California.

Mr. Grijalva has questions of the speakers. Are there issues related to structure protection vs. perimeter protection in the Tahoe Basin? Is there a balanced mission, in other words are there like services being exchanged as part of the balancing of acres between the federal firefighting agencies and the state? Are all services being equally exchanged between the state and federal government? Is 24/7 coverage an issue in the Tahoe Basin during the fire season? Are there adequate resources in the Tahoe Basin to provide initial attack during the fire season?

Mr. Walters passing around documents referring to DPA and Balances of Acres Summary as well as maps. (CFSC-010, CFSC-011 & CFSC-012). Balancing of acres is a bit of a misnomer, what we are really talking about is direct protection

areas (DPA). Map shows both the state and the basin and what the direct protection areas are. Balancing of acres is an adjustment that takes place regularly to DPA. DPA lines can change annually.

Mr. Davidson asked Mr. Walters to answer Mr. Grijalva's questions.

Issue of structure vs. perimeter protection. Is it the mission of the Forest Service to be involved in structure protection? If not, do they handle that mission in state responsibility areas that are part of the federal DPA? Are they providing like services?

Joe Millar, Assistant Director of Northern California Operations, US Forest Services, responds: Forest Service mission when it comes to structure protection is to keep fire away from structures. In the context of the Basin, as we have accepted in the wildland fire protection agreement, we will continue to do as we did in the Angora and Washoe fires. Work with all resources available to prevent the fire from getting into the structures. At that time, it is our expectation that local fire districts and any other entities that are responsible come in and redeem their responsibilities relative to the structure.

Mr. Grijalva: Are there any structures in the Tahoe Basin that are in state responsibility area which is federal DPA that is not protected by a local fire protection district?

Mr. Millar is not aware of any.

Mr. Grijalva: If a fire starts in the house, not in the wildland moving out from the house toward the wildland, the responsibility to fight that fire in the basin is the local fire protection district?

Mr. Millar: If there is a structure fire in the basin that is the responsibility of local fire protection district, Forest Service does respond to the threat of the spread into the wildland.

Mr. Grijalva: Are there adequate resources in the basin to respond to a fire to provide an adequate initial attack in fire season?

Mr. Ilano-from basin perspective adequate resources to achieve mission in terms of initial attack.

Mr. Grijalva, asked about 24/7 coverage is it an issue.

Discussion is that 24/7 coverage is an issue.

Mr. Grijalva asked for call back and response time after hours.

Mr. Millar explains that Forest Service employees are attached electronically. The ECC contacts the duty officer, who will then contact fire personnel.

Break at 2:35 pm

Reconvene at 2:45 pm

Meeting resumes with questions from committee to panel.

Mr. Grijalva: It was mentioned by Bill Tie that one thing that could be done very simply is to withdraw acres as part of the balance of acres. What do you think of that?

Mr. Walters refers to map of DPA in the Tahoe Basin. Shows how deep with DPA the Tahoe Basin is. It is a long way from the rest of our DPA. Recommends looking at the initial attack success rate of Forest Service and local fire protection districts. How many fires have gone beyond 10 acres?

Mr. Grijalva asked what information would be needed to help you make a recommendation.

Mr. Walters: What is the historical initial attack success rate especially on the state responsibility areas within the Forest Service direct protection area.

Mr. Grijalva states in areas where there is federal land that has become the state responsibility area that we should also provide to the Forest Service our success rate in terms of acreage and initial attack and so forth if there are areas of concern. Bill Tie mentioned it here as you know Senator Feinstein has sent a letter to the governor asking that CAL FIRE provide 24/7 coverage to the basin. Local fire chiefs would like to see that during the fire season. How would request for 24/7 coverage be received by the Forest Service? How would it be received by local government?

Mr. Millar will be able to provide stats for initial attack for the basin at next meeting. Regarding the Senator's letter to the governor, from a regional perspective it is not an issue for the Forest Service if CAL FIRE were to come in to address the 24/7 responsibility.

Mr. Ilano for the basin, we haven't had a situation where they have been unable to provide service.

Mr. Millar what concerns him regarding 24/7, would a precedent be set that would have an impact in other areas.

Mr. Grijalva discusses the 2003 Fire Storm; the Governor added 10 full time engines in Southern California year round. Not every county has pursued getting more since 2003.

Mr. Whitelaw gives a local fire protection district perspective on balance of acres. Cooperation is high, work closely and very well with Forest Service fire folk. Structural problems are a concern. We believe that balance of acres or effort, the Tahoe Basin has evolved beyond the usefulness of that. It doesn't work having a 10-6 fire department in the basin. Equivalent level of service to the property owners in Placer County, El Dorado County, and here in the basin as is being enjoyed on the same land outside the basin that is still private land, still SRA protected by CAL FIRE. Difference in level of service provided by Forest Service as opposed to CAL FIRE is being made up by local fire protection districts. There are no Forest Service Engines at North Shore. There are not enough resources to do all risk mission and cover calls when Forest Service is off duty. Structure protection missions are different. Requests 24/7 service, 2 hour call back is not acceptable. Mr. Whitelaw requests redistribution of engines in the basin area. Need an engine company in the North Shore. Local governments are helping Forest Service without reciprocal assistance from them. Local fire protection districts are all risk. Local fire protection districts feel balancing of acres has led to an increased responsibility to fill in service void created by having fire protection provided by Forest Service instead of CAL FIRE.

Mr. Tie feels that it is a CAL FIRE issue not a Forest Service issue. He recommends a change to 4291 to allow CAL FIRE to rate defensibility of specific homes.

Mr. Grijalva adds that the Office of the State Fire Marshal will be signing an MOU with the insurance companies to establish training and standards for defensible space inspectors.

Mr. Grijalva asks of the Forest Service, if the commission were to make CAL FIRE recommendation of 24/7 coverage to both governors and legislation approves funding, during fire season, how many days, weeks, resources would be recommended.

Mr. Whitelaw responds 4 engines, 120 days. Two engines in the north and 2 in the south.

Mr. Millar feels it would not be a problem for the Forest Service. Would need the right number of resources for the right reason. Keep it in the right context. Local agencies will have to work harder in unified command.

Mr. Michael asked if CAL FIRE starts moving engines due to a fire, due they pay local resources to backfill?

Mr. Walters responds that they will do assistance by hire with a local fire protection district.

Mr. Michaels asked if CAL FIRE can fund an engine and staffing during the fire season in the basin.

Mr. Walters and Mr. Grijalva agree it can be done.

Mr. Holmes explains backfill process. First with our own agency, then Forest Service, then local government and can hire local government if it is for a long duration, then assistance by hire. Does Forest Service do the same thing through the fire fund?

Mr. Millar responded if there is an agreement between Forest Service and local government.

Mr. Holmes discusses engine placement recommendations for the basin, one each in south, north, west, and east. Forest Service has hired additional helicopters, some of which are assigned to California.

Mr. Harris suggests the need to consider other elements such as dozers, hand crews, forester resources, and prevention staff. Look at total resources. Need to inspect for 4291 and enforce it as well.

Mr. Grijalva poses a question to the Forest Service. If we had the political will to encourage/recommend to the governors to influence 24/7 in the basin, does it go to Washington? What is the likely hood of it happening? Mr. Millar to look into the process and report back to the committee.

Mr. Whitelaw made an observation that local fire protection districts need to have the will to take aggressive 4291 enforcement actions and authority for abatement actions.

6. Findings and Recommendations (Discussion)

Mr. Wright observed that Fire Chiefs and TRPA have agreed to eight of nine points raised by Fire Chiefs. There is concern that some action be taken outside of commission business to insure that measures are in place by next fire season.

Mr. Davidson applauds the TRPA for responding to the nine points so quickly. Need to consider as a committee and commission what provisions there are for permanency.

Ms. Tuck suggested that the commission urge TRPA and Fire Chiefs to their board for board approval of eight points.

Mr. Grijalva reminded the committee that it is the committee's job to make recommendations to the governors or the commission. It is up to the commission to make recommendations.

Mr. Smith recommends developing and implementing a program aimed at promoting homeowner responsibility for defensible space and building standards.

Mr. Michaels asked Mr. Grijalva if CAL FIRE is going to research augmenting the basin with staffing levels?

Mr. Grijalva responded that if the commission is going to make that recommendation to both governors, he would have CAL FIRE staff look into the cost and staffing requirements to respond to the governors' inquiries.

Mr. Grijalva requests the committee to look at work plan and think about what items need to be agendized. Put these items into the draft work plan. Think about items for future agendas, revisit issues. Members cannot request reconsideration of a vote if you are on the losing side of the vote. But can have more discussion on any topic.

7. Public Comment

Public comment by Bryce Keller, Truckee Fire Protection District. Mr. Keller supports additional resources to Tahoe and the need to prioritize resources. There is no shortage of engines. There is a need to work better together. Need is for dozers and to expand the fire crew availability. There is no shortage of helicopters. Bringing CAL FIRE to the basin with a commitment to work together.

Close of public comment

8. Findings and recommendations

The sub-committee members may make findings and recommendations regarding the dialogue subject matters and may identify key performance measures and develop due dates for future work.

Ms. Tuck recommends further discussion regarding permit issue, not reconsider, but further discussion. Asked Mr. Kemper to work with federal board, where is it important to have permit.

Mr. Davidson supports the decision, supports the concept. Requests issue for further agenda item is stream zones. He is hearing conflicting side of the stream zone issue.

Mr. Grijalva will forward the agenda items and include people to recommend speaking to the issue.

Mr. Michaels would like to speak to different water purveyors to discuss their role in fire suppression activities in the basin.

Mr. Pickett would like to discuss CWPP's and adopting the California Forest Practice Act be adopted on the west slope. Would like to have Steve Wiard, Sierra Pacific Industries, speak to CWPP implementation cost effectiveness.

Mr. Wright review of agreements out there to access specialized assets, fire crews, helicopters. Zone the helicopter in response to the basin. Look at agreements and state compacts.

Mr. Davidson would like to see evacuation questions addressed. There are few streets to use. There is a need for neighborhood specific evacuation plans for each community. Shared responsibility with law enforcement.

Mr. Millar suggests joint training exercises between emergency service providers. Invite Office of Emergency Services.

(Action):

Motion by Mr. Michael

Recommendation for CAL FIRE to evaluate taking back its direct protection responsibilities in the Tahoe Basin including an analysis of the need for chief officers, engines, fire crews, dozers, aircraft, and fire prevention staff. **Second by Mr. Hicks.**

Discussion by Mr. Wright: Be careful using CAL FIRE as all risk as a reason for this motion. Base it on wildland protection capability in the basin. Mr. Grijalva feels it is premature to discuss taking back, might support augmentation. Mr. Davidson asks for motion to study the recommendation. Mr. Michael is asking CAL FIRE to evaluate. **All in favor.**

(Action):

Motion by Mr. Michael

Recommendation: Lake Tahoe Basin Management Unit to add additional engines such that all areas of the Tahoe Basin have comparable response time coverage. **Second by Mr. Hicks.**

Discussion:

Mr. Wright suggests steer it to recommend the Forest Service due an analysis of fire protection resources, capabilities, add or redistribute resources.

Mr. Grijalva states we don't have findings to base the recommendations on. It is hard for the commission to be credible without some findings that there is a need to do those things.

Mr. Davidson recalls that they have heard there is a difference response time depending on where you are in the basin. He recommends a modification that asks the Forest Service to consider means or ways or methods in which bring into account equal response time. **Mr. Davidson motions to amend. Second by Mr. Hicks**

Amended motion: Ask the Forest Service how they might consider and report back to the committee how they might make their response time more equal without degrading their services. **All in favor.**

(Action):

Motion by Mr. Pickett

Finding: The message we have been given, a compromise between BMP's and defensible space, is confusing to homeowners. **Second by Mr. Davidson All in favor**

(Action):

Motion by Mr. Pickett

Recommendation: Bare soil be permitted within 30 feet of a structure. **Second Mr. Hicks.**

Discussion:

Mr. Davidson we have requested guidance regarding defensible space and 4291. Things are already in progress in regards to this motion. Recommend we hold off on specific recommendation for now.

Mr. Grijalva asks whether motion is in order since it was not part of the subject matter for this afternoon on the agenda. **Mr. Pickett agrees to withdraw his motion.**

Mr. Smith would like to have item on the agenda for next meeting: Develop and implement a program aimed at promoting homeowners acceptance of responsibility in taking action aimed for creation of defensible space around their homes.

Mr. Holmes recommends for future agendas discuss in 2008 California adopts new WUI building standards. Do we want Nevada to adopt as well? Mr. Wright suggest we hold off for now.

Mr. Hicks would like to know where homeowners can go to get information and how can we make it user friendly.

Meeting adjourned at 5:00 pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Grijalva". The signature is fluid and cursive, with the first letter of the last name being a large, stylized 'G'.

Ruben Grijalva,
Chairman